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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,223	09/21/2001	leon C. Chen	EQUUS-060A	4084

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STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER

NGUYEN, TAN QUANG

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/961,223

Applicant(s)

CHEN, IEON C.

Examiner

TAN Q NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAIL ACTION

### *Notice to Applicant(s)*

1. This application has been examined. Claims 1-25 are pending.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3-13, 16-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubozono et al. (5,506,772) in view of Chou et al. (6,330,499).

5. With respect to claim 1, Kubozono et al. disclose an apparatus and method of diagnosing a vehicle via a remote computer which includes the steps of connecting a

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portable tester to the onboard computer (see figure 1), communicating between the tester with the onboard computer to see if there is a malfunction signal of the various control systems (see column 2, lines 54-67), communicating between the tester and a personal computer regarding to the malfunction signal (see figure 1 and column 3, lines 4-15), communicating between the personal computer and a remote computer regarding to the malfunction status (see figure 1 and the related text).

6. Kubozono et al. do not explicitly disclose that the diagnostic trouble codes. However, such codes are well known at the time the invention was made and shown in at least the Chou et al. reference in at least figure 3 and column 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made realize that the "trouble codes" as taught in the Chou et al. can be used in place of the "abnormal signal" as mention in the Kubozono et al. in order to refer to the exact problem of the various vehicle systems.

7. With respect to claims 3-6, Chou et al. do suggest the use of computer network including the internet and the web site. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the internet as means of communicating between the personal computer and the remote computer in order to improve the communication network in the Kubozono et al. reference.

8. With respect to claims 7-13, 16-22 and 25, the limitations of these claims have been noted in the rejection above and the cited references. They are therefore considered rejected as set forth above.

9. Claims 2, 14, 15, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubozono et al. and Chou et al. as applied to the claims above, and further in view of Gordon (4,207,611) and Fera (6,263,265).

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10. Kunozone et al. and Chou et al. disclose the claimed invention as discussed above except for the color visual indicators at the tester, each color indicator representing a respective status. However, Gordon does suggest a portable tester which includes the indicators, "ok", "low" or "high" LEDs, each indicates the status of the various vehicle systems (see figures 1, 7 and the related text). Furthermore, it is obvious to one of ordinary skill in the art at the time the invention the color codes are well know used to indicate the status of the unit. For example in the Fera reference, green for a properly functioning unit, yellow for an abnormally in one of its operating parameters, and red for a critical fault (see column 3, lines 54-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gordon and Fera into the system of Kunozone et al. and Chou et al. in order to modify the tester with the visual color indicators for not only identify the fault unit but also give the indication of how critical the fault unit is.

### ***Conclusion***

11. All claims are rejected.

12. The following references are cited as being of general interest: McGuire et al. (4,404,639), Scholl et al. (5,400,018), Gurne et al. (5,541,840), Cherrington et al. (5,657,233), Abe (5,758,300), and Seashore et al. (5,916,286).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

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Any response to this action should be mailed to:

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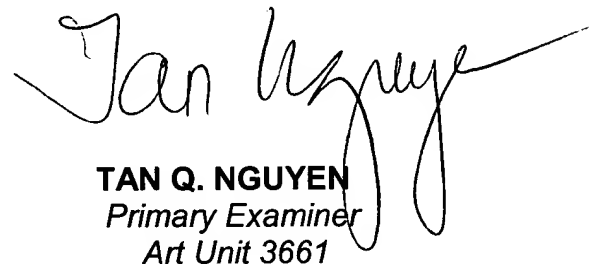
or faxed to:

(703) 305-7687, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group receptionist whose telephone number is (703) 308-1113.

/tqn  
October 18, 2002



**TAN Q. NGUYEN**  
*Primary Examiner*  
*Art Unit 3661*